

First Reading: _____
Second Reading: _____

2016-037
Eric Emery/Tammy Cagle/
Greg Brock/Norma Mahaffey
District No. 5
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 5116 AND 5120 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone properties located at 5116 and 5120 Highway 58, more particularly described herein:

To be rezoned from R-2 to C-5: An unplatted tract of land located at 5116 Highway 58 and being described in Deed Book 10660, Page 672, ROHC. Tax Map 120N-D-013 as shown on the attached map.

To be rezoned from C-5 to M-2: An unplatted tract of land located at 5120 Highway 58 and being described as Tract 7 in Deed Book 10644, Page 845, ROHC. Tax Map 120N-D-001

and as shown on the maps attached hereto and made a part hereof by reference, from R-2 Residential Zone and C-5 Neighborhood Commercial Zone to C-5 Neighborhood Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mem

First Reading: _____
Second Reading: _____

2016-037
Eric Emery/Tammy Cagle/
Greg Brock/Norma Mahaffey
District No. 5
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 5116 AND 5120 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone properties located at 5116 and 5120 Highway 58, more particularly described herein:

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and as shown on the maps attached hereto and made a part hereof by reference, from R-2 Residential Zone and C-5 Neighborhood Commercial Zone to C-5 Neighborhood Commercial Zone and M-2 Light Industrial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mem

2016-037 City of Chattanooga
March 14, 2016

RESOLUTION

WHEREAS, Eric Emery/Tammy Cagle & Greg Brock & Norma Mahaffey petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga rezoning from R-2 Residential Zone & C-5 Neighborhood Commercial Zone to C-5 Neighborhood Commercial Zone & M-2 Light Industrial Zone, properties located at 5116 & 5120 Highway 58.

To be rezoned from R-2 to C-5: An unplatted tract of land located at 5116 Highway 58 and being described in Deed Book 10660, Page 672, ROHC. Tax Map 120N-D-013 as shown on the attached map.

To be rezoned from C-5 to M-2: An unplatted tract of land located at 5120 Highway 58 and being described as Tract 7 in Deed Book 10644, Page 845, ROHC. Tax Map 120N-D-001 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on March 14, 2016,

AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

AND WHEREAS, there was opposition present to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

AND WHEREAS, the Planning Commission has determined that the proposal of M-2 Light Industrial Zone is not supported by the recommendations of the Highway 58 Community Plan.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on March 14, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved for C-5 Neighborhood Commercial Zone and denied the M-2 Light Industrial Zone.

Respectfully submitted,



John Bridger
Secretary

PLANNING COMMISSION CASE REPORT

Case Number: 2016-037

PC Meeting Date: 03-14-16

Applicant Request

Rezone from R-2 Residential Zone and C-5 Neighborhood Commercial Zone to C-5 Neighborhood Commercial Zone and M-2 Light Industrial Zone

Property Location:	5116 & 5120 Highway 58
Property Owner:	Tammy Cagle & Greg Brock/Norma Mahaffey
Applicant:	Eric Emery

Project Description

- Proposal: Develop 6.43-acre site for warehouse use.
- Proposed Access: Main entrance on Highway 58.
- Proposed Development Form: 10 single story storage unit buildings.

Site Analysis**Site Description**

- Location: The vacant site is located on the east side of Highway 58 approximately across from the Highway 58 and Champion Road intersection.
- Current Access: Parcel has immediate access to Mimosa Circle and potential access to Highway 58 through additional properties owned by the same owner.
- Tennessee Department of Transportation Functional Classification: Highway 58 is an Urban Principal Arterial.
- Current Development Form: The mixture of surrounding commercial fronting Highway 58, a single-family subdivision, and the heavily wooded area of the Eastside Utility Plant suggests there is not an established development form here.
- Current Land Uses: To the south is the Mimosa Park residential subdivision. To the east is a heavily wooded portion of the Eastside Utility Plant. To the north, across Highway 58, are a mix of residential homes, commercial uses, and a religious institution.

Zoning History

- The site is currently zoned R-2 Residential Zone and C-5 Neighborhood Commercial Zone.
- The property to the north is zoned R-2 Residential Zone and C-5 Neighborhood Commercial Zone. The property to the east is zoned R-1 Residential Zone and M-1 Manufacturing Zone. The property to the south is zoned R-1 Residential Zone. The property to the west is zoned R-4 Special Zone, C-5 Neighborhood Commercial Zone, and C-2 Convenience Commercial Zone.
- There is not another M-2 Light Manufacturing Zone (same as the request) within the area.

Plans/Policies/Regulations

- The Highway 58 Community Plan (adopted by City Council 2002) recommends Neighborhood Commercial for this site. This designation is intended for lower-intensity retail, business and professional offices which serve neighborhoods within the immediate vicinity. Permitted uses include convenience grocery stores, drug stores, bakeries, delis, administrative, financial, business, professional, and medical offices.
- The M-2 Light Industrial Zone permits most types of non-residential uses, but does limit out the most noxious industrial uses.

Key Findings

- The proposal of M-2 Light Industrial Zone is not supported by the recommendations of the Highway 58 Community Plan.
- The proposal of C-5 Neighborhood Commercial Zone is supported by the recommendations of the Highway 58 Community Plan.
- The proposed use is not consistent with surrounding uses.

PLANNING COMMISSION CASE REPORT

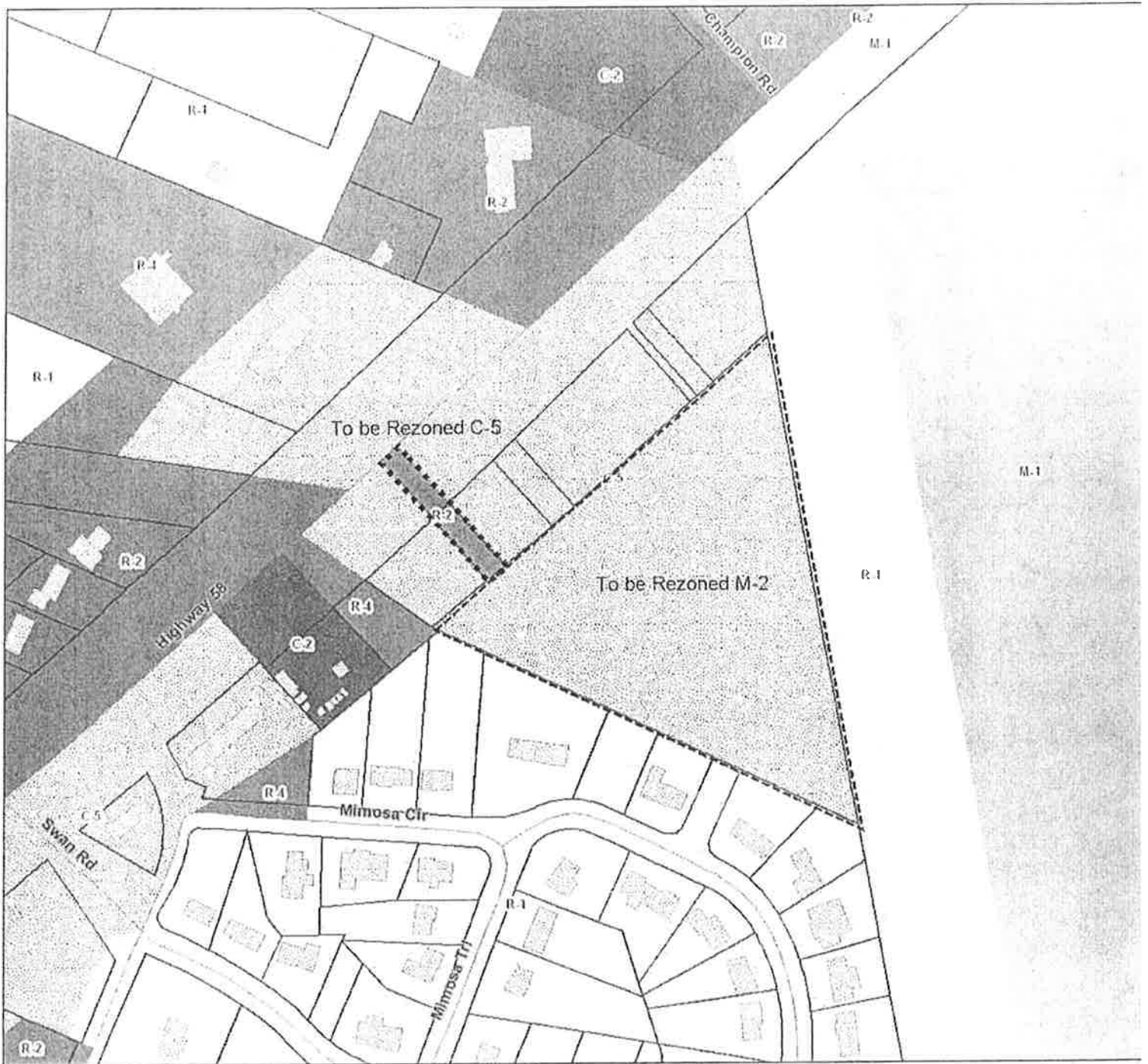
- The proposal is not consistent with the development form of the area.
- The proposed structure does raise concerns regarding location, lighting, or height in regards to the residential community of Mimosa Park.
- The proposal would not be an extension of an existing zone.

Staff Recommendation

Approval of the expansion of C-5 Neighborhood Commercial Zone, but denial of the M-2 Light Industrial Zone.

ZONING APPLICATION FORM

CASE NUMBER:	2016-037		Date Submitted: 1-22-2016
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request:			
Zoning	From: R-2 & C-5	To: C-5 & M-2	
	Total Acres in request area: 6.43 +/-		
2 Property Information			
Property Address:	5116 & 5120 Hwy 58		
Property Tax Map Number(s):	120N-D-001 & 013		
3 Proposed Development			
Reason for Request and/or Proposed Use:	To allow for mini/warehouse (covered) storage & to provide consistency with the adjacent Hwy 58 fronting parcels. This is the only residential lot in the immediate area. Adjacent lots all C-5 Existing R-2 to C-5 (Tax Map 120N-D-013) Existing C-5 to M-2 (Tax Map 120N-D-001)		
4 Site Characteristics			
Current Zoning:	R-2 & C-5		
Current Use:	Vacant		
Adjacent Uses:	Commercial, Residential & Industrial		
5 Applicant Information			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
Name: Eric Emery		Address: PO Box 16126	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37416	Email: eemery@outlook.com
Phone 1: 423-509-5909	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Tammy Cagle & Greg Brock/Norma Mahaffey		Phone: 423-488-1020	
Address: 8516 Rambling Rose Ooltewah, TN 37363/PO Box 16172 Chattanooga, TN 37416			
Office Use Only:			
Planning District: 10		Neighborhood: CNAC	
Hamilton Co. Comm. District: 5	Chatt. Council District: 5	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
Checklist			
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions	
<input type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 6.43	<input checked="" type="checkbox"/> Deeds	<input type="checkbox"/> Plats, if applicable
Deed Book(s): 10644-845			
Plat Book/Page: N/A		Notice Signs	Number of Notice Signs:
<input checked="" type="checkbox"/> Filing Fee: 705.00	Cash	<input checked="" type="checkbox"/> Check	Check Number: 5673
Planning Commission meeting date: 3-14-2016		Application processed by: Marcia Parker	



2016-037 Rezoning from R-2 and C-5 to C-5 and M-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-037:
Approve C5 Neighborhood Commercial Zone; Deny M2 Light Industrial Zone

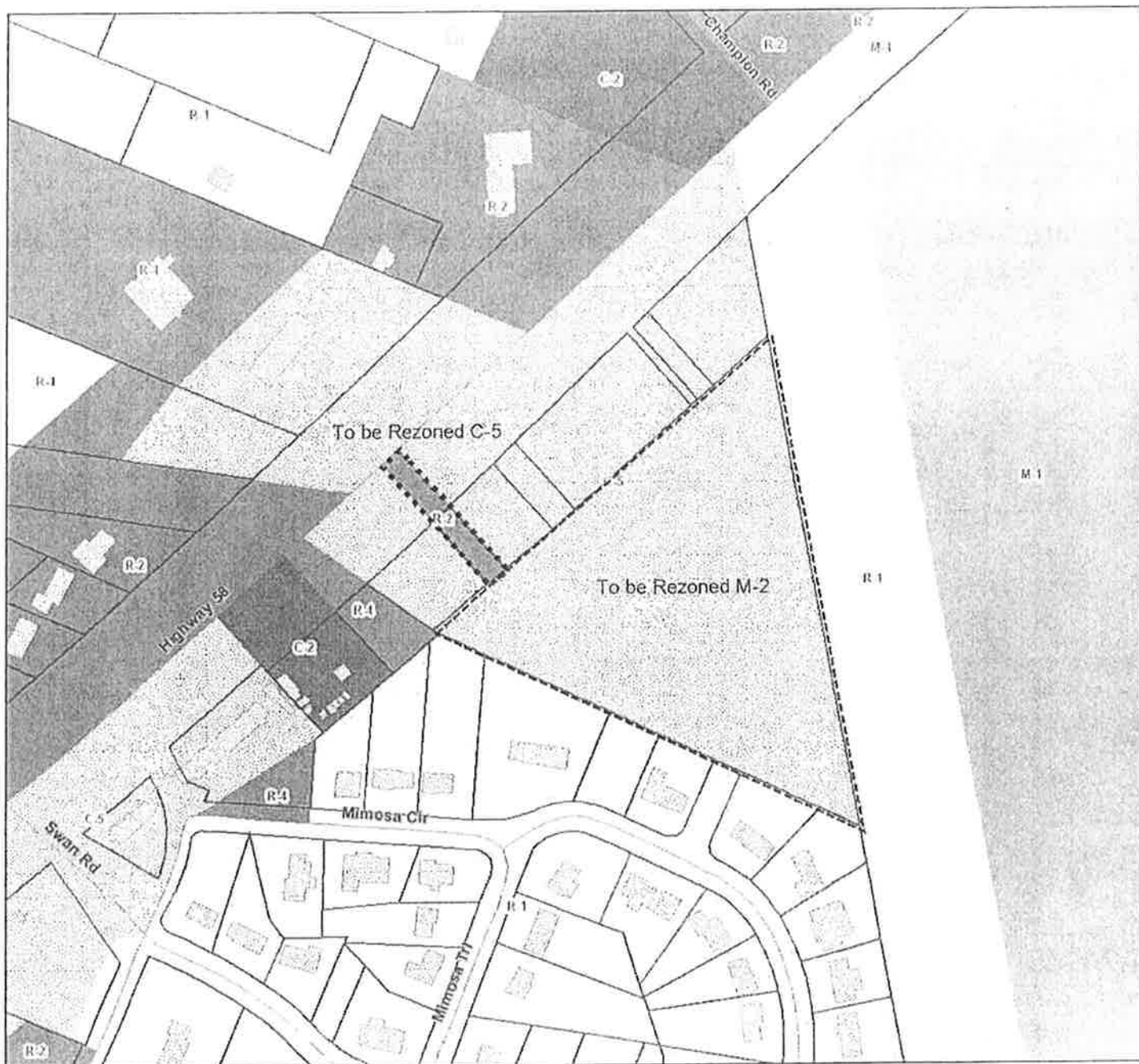


234 ft



Chattanooga Hamilton County Regional Planning Agency





2016-037 Rezoning from R-2 and C-5 to C-5 and M-2



Chattanooga Hamilton County Regional Planning Agency



234 ft

RPA

Case: 2016-037

Total number of dwelling units (if applicable:

Applicant:
Erie Finery
PO Box 16126
Chattanooga, TN 37416
423-509-5009
venner@eriefinery.com

Appendix B:

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2016-023 Wanda Threat. 6420 Shallowford Road, from R-1 Residential Zone to C-5 Neighborhood Commercial Zone.

2016-024 Belle Investment Company, Third Street Partners, and Jimmy & Molly Seal. 1028 and 1042 East 3rd Street and 1039, 1043, and 1047 East 4th Street, from R-4 Special Zone to C-3 Convenience Commercial Zone, subject to certain conditions.

2016-031 Silverdale Baptist Church, Inc. Part of a property located at 2916 Silverdale Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

2016-035 Miller Industries Towing Equipment, Inc./Amon A.C. and Doris York. 8534 Ooltewah-Harrison Road and 5226 and 5242 Tracie Lane, from R-1 Residential Zone to M-1 Manufacturing Zone.

2016-036 ALC Holdings, LLC. 1605 and 1691 West 39th Street, 109 Old Mountain Road, and 1690 Silvels Lane, from R-1 Residential Zone, R-2 Residential Zone, and UGC Urban General Commercial Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone.

2016-042 Field, LLC, Gabe Thomas/John and Jennifer Langworthy. 721, 725, and 729 North Market Street, 14, 16, 18, and 20 Peak Street, and 718 Spears Avenue, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be approved for C-5 Neighborhood Commercial Zone and denied for the M-2 Light Industrial Zone:

2016-037 Eric Emery/Tammy Cagle, Greg Brock, and Norma Mahaffey. 5116 and 5120 Highway 58.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit for a Residential Planning Unit Development be approved:

2016-040 Joseph Ingram/Marcus Jones/Magnolia Investors, LLC/Jack Thompson and Allen Headrick. 604 and 638 Samoyed Trail, 1038 Meroney Street, 1400 Hamilton Avenue, and unnumbered Wert Street.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that Condition No. 2 be amended from Ordinance No. 12841 of Previous Case No. 2014-046 regarding Signage Replacement and Design Restrictions for 2016-033 Wallace Braud on property located at 1349 Gunbarrel Road.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

April 12, 2016

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2016.

Nicole Gwyn
Clerk to the City Council